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of additional evidence or the remanding to the Presiding Officer for additional proceedings. The decision by the Environmental Appeals Board shall include written findings and conclusions and the reasons or basis therefor on all the material issues of fact, law, or discretion presented on the appeal or considered in the review.

(3) In any hearing requested under paragraph (a)(2) of this section the Presiding Officer shall render his initial decision within 60 days of that request. Any appeal to the Environmental Appeals Board shall be taken within 10 days of the initial decision, and the Environmental Appeals Board shall render its decision in the appeal within 30 days of the filing of the appeal.

[53 FR 5873, Feb. 26, 1988, as amended at 57 FR 5328, Feb. 13, 1992]

§ 60.539a Delegation of authority.

(a) In delegating implementation and enforcement authority to a State under section 111(c) of the Act, the authorities contained in paragraph (b) of this section shall be retained by the Administrator and not transferred to a State.

(b) Authorities that shall not be delegated to states:

- (1) [Reserved]
- (2) Section 60.531, Definitions,
- (3) Section 60.533, Compliance and certification,
- (4) Section 60.534, Test methods and procedures,
- (5) Section 60.535, Laboratory accreditation,
- (6) Section 60.536(i)(2), determination of emission rates for purposes of labeling wood heaters certified under § 60.530(c),
- (7) Section 60.537, Reporting and recordkeeping,
- (8) Section 60.538(e), revocation of certification, and
- (9) Section 60.539, Hearings and appeals procedures.

[53 FR 5873, Feb. 26, 1988, as amended at 60 FR 33925, June 29, 1995]

§ 60.539b General provisions exclusions.

The following provisions of subpart A of part 60 do not apply to this subpart:

- (a) Section 60.7,

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(b) Section 60.8(a), (c), (d), (e), and (f), and

(c) Section 60.15(d).

Subpart BBB—Standards of Performance for the Rubber Tire Manufacturing Industry

SOURCE: 52 FR 34874, Sept. 15, 1987, unless otherwise noted.

§ 60.540 Applicability and designation of affected facilities.

(a) The provisions of this subpart, except as provided in paragraph (b) of this section, apply to each of the following affected facilities in rubber tire manufacturing plants that commence construction, modification, or reconstruction after January 20, 1983: each undertread cementing operation, each sidewall cementing operation, each tread end cementing operation, each bead cementing operation, each green tire spraying operation, each Michelin-A operation, each Michelin-B operation, and each Michelin-C automatic operation.

(b) The owner or operator of each undertread cementing operation and each sidewall cementing operation in rubber tire manufacturing plants that commenced construction, modification, or reconstruction after January 20, 1983, and before September 15, 1987, shall have the option of complying with the alternate provisions in § 60.542a. This election shall be irreversible. The alternate provisions in § 60.542a do not apply to any undertread cementing operation or sidewall cementing operation that is modified or reconstructed after September 15, 1987. The affected facilities in this paragraph are subject to all applicable provisions of this subpart.

(c) Although the affected facilities listed under § 60.540(a) are defined in reference to the production of components of a “tire,” as defined under § 60.541(a), the percent emission reduction requirements and VOC use cutoffs specified under § 60.542(a)(1), (2), (6), (7)(iii), (7)(iv), (8), (9), and (10) refer to the total amount of VOC used (the amount allocated to the affected facility), including the VOC used in cements and organic solvent-based green tire spray materials for tire types not

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listed in the § 60.541(a) definition of “tire.”

[52 FR 34874, Sept. 15, 1987, as amended at 54 FR 38635, Sept. 19, 1989]

§ 60.541 Definitions.

(a) All terms that are used in this subpart and are not defined below are given the same meaning as in the Act and in subpart A of this part.

Bead means rubber-covered strands of wire, wound into a circular form, which ensure a seal between a tire and the rim of the wheel onto which the tire is mounted.

Bead cementing operation means the system that is used to apply cement to the bead rubber before or after it is wound into its final circular form. A bead cementing operation consists of a cement application station, such as a dip tank, spray booth and nozzles, cement trough and roller or swab applicator, and all other equipment necessary to apply cement to wound beads or bead rubber and to allow evaporation of solvent from cemented beads.

Component means a piece of tread, combined tread/sidewall, or separate sidewall rubber, or other rubber strip that is combined into the sidewall of a finished tire.

Drying area means the area where VOC from applied cement or green tire sprays is allowed to evaporate.

Enclosure means a structure that surrounds a VOC (cement, solvent, or spray) application area and drying area, and that captures and contains evaporated VOC and vents it to a control device. Enclosures may have permanent and temporary openings.

Green tire means an assembled, uncured tire.

Green tire spraying operation means the system used to apply a mold release agent and lubricant to the inside and/or outside of green tires to facilitate the curing process and to prevent rubber from sticking to the curing press. A green tire spraying operation consists of a booth where spraying is performed, the spray application station, and related equipment, such as the lubricant supply system.

Michelin-A operation means the operation identified as Michelin-A in the Emission Standards and Engineering

Division confidential file as referenced in Docket A-80-9, Entry II-B-12.

Michelin-B operation means the operation identified as Michelin-B in the Emission Standards and Engineering Division confidential file as referenced in Docket A-80-9, Entry II-B-12.

Michelin-C-automatic operation means the operation identified as Michelin-C-automatic in the Emission Standards and Engineering Division confidential file as referenced in Docket A-80-9, Entry II-B-12.

Month means a calendar month or a prespecified period of 28 days or 35 days (utilizing a 4-4-5-week recordkeeping and reporting schedule).

Organic solvent-based green tire spray means any mold release agent and lubricant applied to the inside or outside of green tires that contains more than 12 percent, by weight, of VOC as sprayed.

Permanent opening means an opening designed into an enclosure to allow tire components to pass through the enclosure by conveyor or other mechanical means, to provide access for permanent mechanical or electrical equipment, or to direct air flow into the enclosure. A permanent opening is not equipped with a door or other means of obstruction of air flow.

Sidewall cementing operation means the system used to apply cement to a continuous strip of sidewall component or any other continuous strip component (except combined tread/sidewall component) that is incorporated into the sidewall of a finished tire. A sidewall cementing operation consists of a cement application station and all other equipment, such as the cement supply system and feed and takeaway conveyors, necessary to apply cement to sidewall strips or other continuous strip component (except combined tread/sidewall component) and to allow evaporation of solvent from the cemented rubber.

Temporary opening means an opening into an enclosure that is equipped with a means of obstruction, such as a door, window, or port, that is normally closed.

Tire means any agricultural, airplane, industrial, mobile home, light-duty truck and/or passenger vehicle tire that has a bead diameter less than